

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

|                                       |   |              |
|---------------------------------------|---|--------------|
| RONALD PRIBLE, JR.,                   | § |              |
| Petitioner,                           | § |              |
|                                       | § |              |
| v.                                    | § | H-09-CV-1896 |
|                                       | § |              |
| RICK THALER, Director,                | § |              |
| Texas Department of Criminal Justice, | § |              |
| Correctional Institutions Division,   | § |              |
| Respondent.                           | § |              |

**ORDER**

On April 30, 2010, this Court stayed and closed Ronald Prible Jr.'s federal habeas corpus proceedings to allow him to file a successive state habeas action. (Docket Entry No. 23). Respondent has filed a motion for reconsideration. (Docket Entry No. 24). In the alternative, Respondent asks this Court to enter a scheduling order that will require Prible to (1) file a successive state action within a 30-day period and (2) return to federal court, if necessary, within 30 days after the conclusion of his state habeas action. (Docket Entry No. 25).

For the first time in these proceedings, Respondent argues that Prible has not met the standards outlined by the Supreme Court in *Rhines v. Weber*, 544 U.S. 269, 275 (2005), for staying federal habeas actions. Respondent's primary argument is that Prible should have raised his unexhausted arguments before he filed his federal habeas petition. In addition, Respondent argues that the unexhausted nature of Prible's claims render them meritless and that the evidence does not support his allegations. The Court has already considered the

substance of Respondent's arguments when deciding to stay the instant proceedings. Respondent has not provided any new reason to disallow the exhaustion of state remedies. The Court, therefore, **DENIES** Respondent's motion for reconsideration. (Docket Entry No. 24).

Prible does not object to the entry of a scheduling order, but asks for more time than provided by Respondent's motion. The Court, therefore, **GRANTS** Respondent's motion for a scheduling order. (Docket Entry No. 25). Prible will file his successive state action within 60 days from the entry of this Order. Should the state courts again deny habeas relief, Prible will move to reopen this case within 60 days thereafter.

**SIGNED** at Houston, Texas, on this 11th day of June, 2010.

A handwritten signature in dark ink, appearing to read "Keith P. Ellison", is written above a horizontal line.

KEITH P. ELLISON  
UNITED STATES DISTRICT JUDGE